

**IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

RICHARD JORDAN and RICKY CHASE,

Plaintiffs

versus

No. 3:15-cv-00295-HTW-LRA

**MARSHALL L. FISHER, Commissioner,
Mississippi Department of Corrections, in
his Official Capacity; EARNEST LEE
Superintendent, Mississippi State Penitentiary,
in his Official Capacity; THE MISSISSIPPI
STATE EXECUTIONER, in his Official
Capacity; an UNKNOWN EXECUTIONERS,
in their Official Capacities,**

Defendants

**MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO FILE
ANSWER TO COMPLAINT FOR PRELIMINARY AND PERMANENT
INJUNCTIVE RELIEF UNDER THE FEDERAL CIVIL RIGHTS
ENFORCEMENT ACT OF 1871 (42 U.S.C. § 1983)**

COMES NOW, the State of Mississippi, by and through counsel, and files this motion for an enlargement of time within which to file the Answer to Complaint for Preliminary and Permanent Injunctive Relief under the Federal Civil Rights Enforcement Act of 1871 (42 U.S.C. § 1983)¹ in the above styled and numbered cause.

I.

¹See Docket # 1.

The Defendants respectfully request that the time to file the Answer in the above styled and numbered cause, be extended fourteen (14) days up to and until May 25, 2015, response is presently due on May 11, 2015. In support thereof, the Defendants submit the following:

II.

Counsel has and has had additional commitments which have prevented the timely filing of the Answer in the above styled and numbered cause. Counsel was out of the office April 22-24, 2015, in order to attend the Spring Prosecutor's Conference. Counsel prepared for a deposition which occurred on May 1, 2015, in the case of *Pitchford v. State*, 2013-116. Counsel also prepared for the post-remand competency hearing in that case, which began this day in Circuit Court of Grenada County. Counsel filed the Reply in Support of the Motion for DNA Testing and for Disclosure of Materials from Forensic Analytical Sciences with the Circuit Court of Desoto County in the case of *Brown v. State*, No. CV-2007-0215, on May 4, 2015 and the Response in Opposition to Motion for Third Supplemental Order Regarding Post-conviction DNA Testing in the same case, on May 8, 2015. Additionally, counsel prepared for a motion hearing held in the Circuit Court of Lee County in the case of *Wilson v. State*, CV08-074GL, which occurred on May 5, 2015. Counsel assisted junior counsel with the response in opposition to the petition for writ of certiorari filed with the United States Supreme Court in the case of *Corrothers v. Mississippi*, No. 14-8115, which was filed this day. Counsel has prepared for the evidentiary hearing to be held in the Circuit Court of

Harrison County in the case of *Keller v. State*, No. B24020800201, on May 12, 2015. Counsel is also preparing the response to petitioner's Motion for Discovery for the Circuit Court of Harrison County, Mississippi in the case of *Keller v. State*, No. B-2402-08-201, which is due on May 18, 2015. Counsel is also preparing the response to the petitioner's Motion for Fourth Supplemental Order Regarding Post-conviction DNA Testing for the Circuit Court of Desoto County in the case of *Brown v. State*, No. CV-2007-0215, which is also due on May 18, 2015. Additionally, counsel is preparing for oral argument with the Mississippi Supreme Court in the case of *Hollie v. State*, 2014-DP-0006-SCT which is set for May 19, 2015. Further, counsel is preparing the response to the Petition for Writ of Mandamus as to the Trial Court's Order Denying Law Enforcement and Prosecutorial Files Covered by Rule 22 of the Mississippi Rules of Appellate Procedure and to Stay Post-Conviction Proceedings filed by the Petitioner for the Mississippi Supreme Court in the case of *Keller v. State*, No. 2014-DR-00808-SCT, which is due on May 21, 2015. Additionally, counsel is preparing the response to the Petitioner's Motion for Fingerprint Analysis for the Circuit Court of Oktibbeha County in the case of *Manning v. State*, 2001-0144-CV, which is likewise due on May 21, 2015. Further, counsel is preparing the post-remand brief of the appellee for the Mississippi Supreme Court in the case of *Carr v. State*, No. 2014-CA-00726-SCT, which is due on May 29, 2015.

III.

Wherefore, **PREMISES CONSIDERED**, the Defendants respectfully request that

the time to file the response be extended up to and until May 25, 2015. This request is not made to cause undue delay and the Plaintiff will not be prejudiced by this extension.

Respectfully submitted,

JIM HOOD
ATTORNEY GENERAL
STATE OF MISSISSIPPI

JASON L. DAVIS
SPECIAL ASSISTANT ATTORNEY GENERAL
Miss. Bar No. 102157
(Counsel of Record)

BY: s/ *Jason L. Davis*

OFFICE OF THE ATTORNEY GENERAL
Post Office Box 220
Jackson, Mississippi 39205
Telephone: (601) 359-3680
Facsimile: (601) 359-3796
jdavi@ago.state.ms.us

CERTIFICATE OF SERVICE

This is to certify that I, Jason L. Davis, Special Assistant Attorney General for the State of Mississippi, have electronically filed the foregoing MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO FILE ANSWER TO COMPLAINT FOR PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF UNDER THE FEDERAL CIVIL RIGHTS ENFORCEMENT ACT OF 1871 (42 U.S.C. § 1983) with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

James W. Craig
Emily M. Washington
The Roderick & Solange MacArthur Justice Center
440 South Carrollton Ave.
New Orleans, LA 70119

This, the 11th day of May, 2015.

s/ Jason L. Davis